Duplicate of 777. l. 1 (23) above

Read 12 Feb. 1724

777. l. 1.
22.

An ACT for the better Viewing, Searching and Examining all Drugs, Medicines, Waters, Oyls, Compositions, used or to be used for Medicines, in all Places where the same shall be exposed to Sale, or kept for that Purpose, within the City of London and Suburbs thereof, or within Seven Miles Circuit of the said City.

Great Britain

Geo. 1. K.

WHereas King *Henry* VIII. by his Letters Patent, under the Great Seal bearing Date at *Westminster*, the Twenty third Day of *September* in the Tenth Year of his Reign, for the Common-wealth of this Realm, in due exercising and practising of the Faculty of Physick, and good Ministration of Medicines to be had, did erect, found, and establish a College, Commonalty, or Incorporation of Physicians in the City of *London*, to be, remain, and have Existence for Ever. And by the same Letters Patent did further give and grant unto *John Chambre*, *Thomas Linacre*, *Ferdinando de Victoria*, *Nicholas Halsewell*, *John Francis*, and *Robert Taxley*, then learned, discreet, and profound Practicers in the Faculty of Physick in the said City of *London*, that they, and all of the said Faculty of Physick of and in the said City should for Ever thenceforth be in Name and Deed one Body and Perpetual Commonalty or College. And further by the same Letters Patent, did give and grant unto the said College and Commonalty full Power, Ability and Authority for Ever, annually to elect and make One of the said College or Commonalty to be President of the said College or Commonalty, for the taking care and governing thereof for that Year; And that

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the ſame Preſident, College or Commonalty ſhould have perpetual Succeſſion, and a Common Seal for the Service of the ſaid Preſident and Commonalty for Ever. And by the ſame Letters Patent did alſo further give and grant unto the ſaid Preſident, College and Commonalty, and their Succeſſors, that they the ſaid Preſident, College, or Commonalty, and their Succeſſors, might lawfully, and without Danger, make among themſelves lawful Aſſemblies, and Statutes, and Ordinances for the good Government, Overſeeing, and Correcting of the ſaid College or Commonalty, and of all Men exerciſing the ſame Faculty in the ſaid City, or within Seven Miles Circuit thereof, as Neceſſity ſhould require, when, and as often as there ſhould be Occaſion; And that none ſhould exerciſe the ſaid Faculty in the ſaid City, or within Seven Miles Circuit thereof, unleſs licenſed thereunto by the ſaid Preſident and Commonalty, or their Succeſſors, for the Time being, by the Letters of the ſame Preſident and College, ſealed with their Common Seal, under the Penalty of One hundred Shillings for every Month in which he ſhould exerciſe the ſaid Faculty without being ſo licenſed, Half thereof to be applied to His ſaid Majeſty, and His Heirs, and Half to the ſaid Preſident and College. And by the ſame Letters Patent, did further grant, That Four Perſons ſhould Every Year be choſen by the ſaid Preſident and College, for the Time being, and their Succeſſors, for Ever, who ſhould have the ſuperviſing and ſearching, correcting and governing of all and every the Phyſicians of the ſaid City uſing the Faculty of Phyſick in the ſame City, and other Foreign Phyſicians whomſoever, in any manner uſing and practiſing that Faculty of Phyſick within the ſaid City, and the Suburbs thereof, or within Seven Miles Circuit of the ſame City, and the puniſhing of them for their Offences in not well executing, practiſing, or uſing that Faculty; And alſo the ſuperviſing and ſearching of all manner of Medicines and the Receipts thereof, to be given, adminiſtred, and applied by the ſaid Phyſicians, or any of them, to the ſaid King's Subjects for the curing and healing of their Infirmities, when and as often as there ſhould be Occaſion, for the Benefit and Advantage of the ſaid Subjects, ſo that the Puniſhment of ſuch Phyſicians uſing the ſaid Faculty of Phyſick, ſo offending in the Premiſſes, might be executed by Fines, Amerciaments, Impriſonments of their Bodies, and by other fit and reaſonable Ways.

And whereas in the Parliament held at *London* the Fifteenth Day of *April*, in the Fourteenth Year of the Reign of the ſaid King *Henry* the Eighth, and from thence adjourned to *Weſtminſter* the laſt Day of *July*, in the Fifteenth Year of the Reign of the ſame King, and there held, Reciting, That foraſmuch as the making the ſaid Corporation was meritorious, and very good for the Common-Wealth of the Realm, it was Enacted, That the ſaid Corporation of the ſaid Commonalty and Fellowſhip of the Faculty of Phyſick aforeſaid, and all and every Grant, Articles, and other Thing contained and ſpecified in the ſaid Letters Patent ſhould be approved, granted, ratified and confirmed in the ſame Parliament, and clearly authorized and admitted by the ſame, good, lawful and available to the ſaid Body Politick, and their Succeſſors for ever, in as ample and large Manner as may be taken, thought, and conſtrued by the ſame.

And whereas by one other Act of Parliament, made in the Thirty Second Year of the Reign of the ſaid King *Henry* VIII. entitled, *For Phyſicians and their Privileges*, it is, among other Things, enacted, ordained, and eſtabliſhed for the Common-Wealth and Surety of the Subjects of this Realm, That the Preſident for the Time being, Commons and Fellows of the ſaid Corporation, and their Succeſſors, might Yearly, at ſuch Time as they ſhould think moſt meet and convenient for the ſame, elect and chooſe Four Perſons of the ſaid Commons and Fellows of the beſt learned, wiſeſt, and moſt diſcreet, ſuch as they ſhould think convenient and have Experience in the ſaid Faculty of Phyſick, and that the ſaid Four Perſons ſo elected and choſen, after a corporal Oath to them miniſtred by the ſaid Preſident or his Deputy, ſhould and might, by Virtue of that Act, have full Authority and Power, as often as they ſhould think

think meet and convenient, to enter into the Houſe or Houſes of all and every Apothecary, then or at any time then after uſing the Myſtery or Craft of Apothecary, within the ſaid City only, to ſearch, view, and ſee ſuch Apothecary Wares, Drugs, and Stuffs, as the Apothecaries, or any of them, had, or at any Time then after, ſhould have in their Houſe or Houſes, and all ſuch Wares, Drugs, and Stuffs, as the ſaid Four Perſons ſhould then find defective, corrupted, and not meet nor convenient to be miniſtred in any Medicines for the Health of Man's Body, the ſame Four Perſons, calling to them the Wardens of the ſaid Myſtery of Apothecaries within the ſaid City for the Time being, or One of them, ſhould cauſe to be burnt, or otherwiſe deſtroy the ſame, as they ſhould think meet by their Diſcretion; and if the ſaid Apothecaries, or any of them, at any time then after, ſhould obſtinately or willingly refuſe or deny the ſaid Four Perſons Yearly elected and choſen, as is aforeſaid, to enter into their ſaid Houſe or Houſes for the Cauſes, Intent, and Purpoſe before rehearſed, that they, and every of them, ſo offending, contrary to the ſaid laſt recited Act, for every Time that he or they ſhould ſo offend, to forfeit One hundred Shillings, the one Half to his Majeſty, and the other Half to him that would ſue for the ſame, by Action of Debt, Bill, Plaint or Information in any of the King's Courts, wherein no Wager of Law, Eſſoign, or Protection ſhould be allowed.

And whereas by one other Act, made in the Firſt Year of the Reign of Queen *Mary*, Intituled, *An Act touching the Corporation of the Phyſicians in* London, it is, among other Things, Enacted, for the better Execution of the Search and View of Poticary Wares, Drugs, and Compoſitions according to the Tenour of the ſaid Statute made in the Thirty Second Year of the Reign of the ſaid King *Henry* VIII. that it ſhould be lawful for the Wardens of the Grocers, or one of them, to go with the ſaid Phyſicians in their View and Search; and that if the ſaid Warden or Wardens ſhould refuſe or delay his or their coming thereunto, forthwith, and immediately, when the ſaid Preſident or Four of his College, elect as aforeſaid, ſhould call upon him or them, that then the ſaid Phyſicians might and ſhould execute that Search and View, and the due Puniſhment of the Poticaries, for any their evil and faulty Stuff, according to the Statute therein laſt before mentioned, without the Aſſiſtance of any of the ſaid Wardens; any Clauſe in the ſaid therein aforenamed Statute to the contrary thereof notwithſtanding: And every ſuch Perſon or Perſons as would or ſhould reſiſt ſuch Search, ſhould forfeit for every ſuch Reſiſtance, Ten Pounds, the ſame Penalty to be recovered in the Manner in the ſame Act mentioned.

And it is thereby further Enacted, That all Juſtices, Mayors, Sheriffs, Bayliffs, Conſtables and other Miniſters and Officers within the City, and Precincts above-written, upon Requeſt to them made, ſhould help, aid and aſſiſt the Preſident of the ſaid College, and all Perſons by them from time to time authorized, for the due Execution of the ſaid Acts or Statutes, upon Pain, for not giving of ſuch Aid, Help and Aſſiſtance, to run in Contempt of the QUEEN's Majeſty, her Heirs and Succeſſors, as by the ſaid ſeveral recited Statutes may appear.

And whereas it has been found by Experience, that the ſaid ſeveral recited Statutes, and the Powers thereby given to the ſaid College of Phyſicians, and ſuch Four Perſons choſen by them as aforeſaid, have been very beneficial to the Subjects of this Realm; But nevertheleſs, divers other Apothecaries dwelling in the Suburbs of the ſaid City, and in Places in the Country within Seven Miles Circuit of the ſame City, and alſo divers other Perſons, as well as Apo-

Apothecaries inhabiting within the ſaid City of *London*, or Seven Miles Circuit of the ſame City, do ſell Drugs, Oyls, Waters and Compoſitions uſed or to be uſed for Medicines, which ought to be viewed, ſearched, and examined, as well as thoſe prepared and ſold by the Apothecaries; and the want of ſufficient Powers for that Purpoſe, may be very detrimental to the Health of his Majeſty's Subjects.

For Remedying whereof, Be it Enacted, by the KING's Moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Four Perſons choſen, or to be choſen annually, by the Preſident and Fellows of the ſaid College, or their Succeſſors, for the Time being as aforeſaid, according to their ſaid Charter, which Four Perſons are now commonly called Cenſors of the ſaid College, or any Three of ſuch Perſons ſo choſen, or to be choſen, calling to their Aſſiſtance the Wardens of the ſaid Myſtery of Apothecaries within the ſaid City of *London* for the Time being, or One of them, ſhall and may have free and full Power, and lawful Authority, from Time to Time, and at all Times hereafter, when, and as often as ſuch Cenſors, or any Three of them ſhall think meet and convenient, at fit and ſeaſonable Times in the Day-time, to enter into the Houſe, Shop, Cellar, Vault, Workhouſe, Warehouſe, or any other Room or Rooms of the Houſe or Houſes of any Apothecary, or other Perſon or Perſons, who now doth, or hereafter ſhall, keep for Sale, or ſhall ſell, or put to Sale, any Medicines, Drugs, Waters, Oyls, or Compoſitions, uſed, or to be uſed, for Medicines, within the ſaid City of *London* and Suburbs thereof, or within Seven Miles Circuit of the ſaid City; and then and there to ſearch, view, and examine the ſaid Medicines, Drugs, Waters, Oyls, and Compoſitions of ſuch Apothecary, or other Perſon or Perſons as aforeſaid, and all ſuch Medicines, Drugs, Waters, Oyls, and Compoſitions, as the ſaid Cenſors, or any Three of them for the Time being, upon every ſuch Search, View, and Examination, ſhall find and adjudge to be defective, corrupted, or decayed, and not meet to be adminiſtred, or uſed in Medicine for the Health of Man's Body, the ſaid Cenſors, or any Three of them, for the Time being, ſhall, and may, from Time to Time, and at all Times hereafter, upon every ſuch Search, View, and Examination, take and burn, or otherwiſe deſtroy the ſame, or cauſe the ſame to be taken and burnt, or otherwiſe deſtroyed; Except all Drugs in the Houſes or Warehouſes of Merchants, Importers, or Druggiſts not making or keeping Medicines for Sale.

And be it further Enacted, by the Authority aforeſaid, That for the better Execution of the ſaid Search and View of ſuch Medicines, Drugs, Waters, Oyls, and Compoſitions as aforeſaid, if the Wardens of the ſaid Myſtery of Apothecaries in *London* for the Time being, and every of them, ſhall at any Time refuſe or neglect coming to, or going with the ſaid Cenſors, or any Three of them, for the making of any ſuch Search and View as aforeſaid, at ſuch Time and Place, as ſuch Cenſors for the Time being, or any Three of them, ſhall appoint, that then the ſaid Cenſors for the Time being, or any Three of them, ſhall and may have and execute ſuch Power and Authority, for the viewing, ſearching, and examining ſuch Medicines, Drugs, Waters, Oyls, and Compoſitions as aforeſaid, and the taking and deſtroying ſuch thereof, as they ſhall ſo find and adjudge to be defective, corrupted or decayed, and not meet to be adminiſtred in Medicine, for the Health of Man's Body; any thing herein before contained to the contrary in anywiſe notwithſtanding.

And be it further Enacted, by the Authority aforeſaid, That every ſuch Apothecary, or other Perſon or Perſons, who ſhall at any Time hereafter, reſiſt, obſtruct,

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obſtruct, or hinder any ſuch Search, View, or Examination, according to this *Act*, ſhall, for every ſuch Offence, forfeit and pay to the Preſident and College, or Commonalty of the Faculty of Phyſick in *London*, and their Succeſſors, the Sum of Ten Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in the Name of the ſaid Preſident of the ſaid College for the Time being, in any of His Majeſty's Courts of Record at *Weſtminſter*, with Coſts of Suit; in which no Wager of Law, Eſſoign, or Protection, ſhall be allowed, nor any more than one Imparlance.

Provided always, and be it further Enacted, by the Authority aforeſaid, That if any Perſon or Perſons, ſhall at any Time be ſued or proſecuted for putting in Execution any Power or Authority given by this *Act*; ſuch Perſon and Perſons ſhall and may plead the General Iſſue, and give this *Act* and the ſpecial Matter in Evidence.

Provided always, and be it further Enacted, by the Authority aforeſaid, That if the ſaid Cenſors for the Time being, or any Three of them, ſhall at any Time hereafter adjudge any Medicines, Drugs, Waters, Oyls, or Compoſitions, to be defective, corrupted, or decayed, and not meet to be adminiſtred or uſed in Medicine for the Health of Man's Body, and the Perſon or Perſons, or any of them, in whoſe Houſe, Shop, Warehouſe, or Room, the ſame ſhall be found, or in his and their Abſence, the Perſon having the Cuſtody and chief Care thereof, ſhall, before the burning and deſtroying thereof, inſiſt, that the ſame ought not to be burnt or deſtroyed, and ſhall forthwith, by Writing under his or their Hand or Hands, appeal to, and deſire the Judgment of the Preſident and Fellows of the ſaid College or Commonalty of the Faculty of Phyſick in *London* for the Time being, thereupon; Then, and in ſuch Caſe, the ſaid Cenſors then preſent, or any Three of them, ſhall and may cauſe all the Medicines, Drugs, Waters, Oyls, and Compoſitions ſo condemned, together with the Pots, Glaſſes, or other Veſſels, in which the ſame ſhall be contained at that Time, and the Reaſons in Writing for condemning thereof, ſubſcribed by the Cenſors condemning the ſame, to be put into a Box, which ſhall be then and there ſealed up with the reſpective Seals of Three of the ſaid Cenſors, and of the Perſon or Perſons ſo inſiſting, if ſuch Perſon or Perſons ſhall think fit to put his or their Seal thereto; which Box ſo ſealed, the ſaid Cenſors for the Time being, ſhall cauſe to be forthwith carefully conveyed to the Houſe or Place called the College of Phyſicians in *London*, and there kept, until the next aſſembling of the Preſident, or Vice Preſident, and Fellows for the Time being, of the ſaid College or Corporation of the Faculty of Phyſick, which Aſſembly the ſaid Cenſors ſhall procure to be ſummoned in the uſual Manner of ſummoning ſuch Aſſemblies, and to be held at the ſaid College within Fourteen Days next after every ſuch Box ſhall be ſo ſealed up, at the furtheſt, and ſo ſoon, that none of the ſaid Medicines, or other Things thereunto put, if then good, may decay in the mean time, and Notice in Writing of ſuch Aſſembly to be given, or left to or for the Perſon or Perſons by or for whom ſuch Appeal was made, at the Place where ſuch Medicines, Drugs, Waters, Oyls, or Compoſitions, were found, Two Days before the Meeting thereof, that he or they may attend the ſame, if he or they ſhall think fit; And the ſaid Preſident, or Vice Preſident, and Fellows for the Time being, ſo aſſembled at ſuch College, not being leſs in Number than Twelve, excluſive of the Cenſors from whoſe Judgment ſuch Appeal ſhall be made, ſhall be, and are hereby authorized, to open ſuch Box from Time to Time in the Preſence of the Perſon or Perſons by or for whom ſuch Appeal was made as aforeſaid, if he or they ſhall there appear, and in Default of his or their Appearance, due Notice having been given as aforeſaid, then without him or them, and to examine and finally determine concerning ſuch Medicines, Drugs, Waters, Oyls, and Compoſitions contained therein; And if the ſaid Preſident, or Vice Preſident, and Fellows for the Time being, who ſhall be ſo aſſembled, not being

leſs in Number than as aforeſaid, or the Major Part of them, ſhall, upon ſuch Examination, confirm the Judgment of the ſaid Cenſors, or ſuch Three of them, as aforeſaid, then the ſaid Cenſors for the Time being, ſhall cauſe all ſuch Medicines, Drugs, Waters, Oyls, and Compoſitions ſo condemned, and the Veſſels containing the ſame, to be burnt or deſtroyed before the Doors of the Perſon or Perſons in whoſe Houſe, Shop, Warehouſe, or Room, the ſame were found, in ſuch Publick Manner, and at ſuch Time, as the ſaid Cenſors for the Time being, or any Three of them, ſhall think fit and direct; And if the ſaid Preſident, or Vice Preſident, and Fellows for the Time being, who ſhall be ſo aſſembled, not being leſs in Number than as aforeſaid, or the Major Part of them, ſhall not, within Fourteen Days at the furtheſt after ſuch Appeal, upon ſuch Examination, confirm the Judgment of the ſaid Cenſors, or ſuch Three of them as aforeſaid, then ſuch Cenſors ſhall, immediately after ſuch Examination, cauſe the ſaid Medicines, Drugs, Waters, Oyls, and Compoſitions, which were ſo ſealed up, or ſo much thereof as ſhall remain not waſted in ſuch Examination thereof, with the Veſſels containing the ſame, to be immediately and carefully returned to the Houſe, Shop, Warehouſe, or Room, where the ſame were found; any thing in the ſaid former Acts, or any of them, or before in this *Act*, contained to the contrary thereof in any-wiſe notwithſtanding.

And whereas, as the Law now ſtands, there is no Proviſion made for reviewing or correcting any Judgments whatſoever, which the Cenſors of the ſaid College for the Time being, ſhall give in the Exerciſe of the Power above recited to be contained in the Letters Patents aforeſaid, for correcting and governing of all and every the Phyſicians of the ſaid City uſing the Faculty of Phyſick in the ſame City, and other Foreign Phyſicians whomſoever, in any Manner uſing or practiſing the Faculty of Phyſick within the ſame City, and the Suburbs thereof, or within Seven Miles Circuit of the ſame City, and the puniſhing of them for their Offences in not well executing, practiſing, or uſing that Faculty; **Be it further Enacted**, by the Authority aforeſaid, That all and every Perſon or Perſons, which ſhall at any Time hereafter be cenſured or judged by the Cenſors of the ſaid College for the Time being, or be by them condemned to pay any Fine, or ſuffer Impriſonment, or undergo any other Puniſhment for any Offence ſuppoſed to be committed by ſuch Perſon or Perſons in not well executing, practiſing, or uſing that Faculty, ſhall and may, within the Space of Fourteen Days next after ſuch Cenſure, Judgment, or Condemnation, or within Fourteen Days after his or their having Notice thereof, appeal from ſuch Cenſure, Judgment, or Condemnation, to the Preſident and Fellows of the ſaid College, or Commonalty of the Faculty of Phyſick, by Writing under his and their Hand and Hands, delivered to the Preſident or Vice Preſident of the ſaid College, or to the Cenſors, or any of them, deſiring by ſuch Writing, the Judgment of the ſaid Preſident and Fellows, upon the Offence or Offences laid to his or their Charge; and ſuch Appeal ſhall ſuſpend the ſaid Judgment, and Condemnation, and the Execution thereof, and ſhall be heard at the ſaid College in an Aſſembly, duly ſummoned, of the ſaid Preſident, or Vice Preſident, and Fellows, not being leſs in Number than Twelve, excluſive of the Cenſors from whoſe Judgment ſuch Appeal ſhall be made, Notice thereof being duely given to the Perſon or Perſons ſo appealing; and the Circumſtances of the Caſe ſhall be then and there fully examined into and conſidered, and the Judgment of the ſaid Preſident, or Vice Preſident, and Fellows ſo aſſembled, or of the Major Part of them, for Affirming, Reverſing, or Altering ſuch Judgment or Condemnation, ſhall be as final and concluſive, and be put in Execution in like Manner as if the ſame had been at firſt given by the ſaid Cenſors, and ſuch Judgment or Condemnation ſo appealed from, ſhall be of no Force further or otherwiſe than as it ſhall be affirmed or approved in all, or in Part, by ſuch final Judgment given upon ſuch Appeal; any thing in the ſaid recited Letters Patents, or Acts of Parliament, or any of them, to the contrary hereof in any-wiſe notwithſtanding.

Provided always, and be it further Enacted, by the Authority aforesaid, That nothing in this *Act* contained shall extend, or be construed to extend, to prejudice the Right, Title, Interest, and Property granted to any Person or Persons in and by any Letters Patents now in Force, for the sole making and vending any Medicine or Medicines, nor to impower the said President and Censors, with the Wardens of the Apothecaries Company, or any of them, to inspect into the Matter or Composition of any such Medicine or Medicines, or destroy the same, during the Continuance of such Letters Patents; any thing in this *Act* contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the said several herein before recited Acts of Parliament, and also this present *Act*, shall be deemed and taken, and are hereby declared to be Publick Acts, to all Intents and Purposes, and shall, and ought to be judicially taken Notice of and allowed as such in all Courts within this Kingdom, by all Judges, Justices, and other Persons whatsoever, without special pleading of the same, or any of them. And that this present *Act* shall continue in Force for the Term of Three Years, and from thence to the End of the then next Session of Parliament, and no longer.

An ACT *for the better Viewing, Searching and Examining all Drugs, Medicines, Waters, Oyls, Compositions, usd or to be usd for Medicines, in all Places where the same shall be exposed to Sale, or kept for that Purpose, within the City of London and Suburbs thereof, or within Seven Miles Circuit of the said City.*

KING'S COLLEGE LONDON